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August 17, 2000

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Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555-0001  
Attention: Rulemakings and Adjudications Staff

DOCKET NUMBER  
PROPOSED RULE **PR 73**  
(65FR36649)

Subject: SECY-00-0063 "Staff Re-evaluation of Power Reactor  
Physical Protection Regulations and Position on  
a Definition of Radiological Sabotage"  
Submittal of Duke Power Company Comments

Federal Register Notice 65FR36649 dated June 9, 2000  
requested comments on SECY-00-0063, "Staff Re-evaluation of  
Power Reactor Physical Protection Regulations and Position  
on a Definition of Radiological Sabotage."

Duke Power Company continues to support the Nuclear  
Regulatory Commission goal of developing a performance-  
based, risk-informed rule for physical protection programs  
at nuclear power plants.

There are two major concerns with SECY-00-0063. First,  
SECY-00-0063 introduces a new concept of protecting  
"critical safety functions" (CSFs) as the principal  
performance criteria for the rule and design of contingency  
response programs. The CSF concept will result in a  
prescriptive list of structures, systems and components  
(SSCs) that must be protected which will not lead to a  
performance-based, risk-informed rule. The CSF concept  
could result in a significant expansion of equipment not  
currently protected, much of which may not be important to  
prevent significant core damage or may not add to the safety  
margin. Protecting against significant core damage provides  
an acceptable method to prevent a radiological release that  
would endanger public health and safety. This concept  
should ensure that a plant retains the capability to safely  
shutdown the reactor and assure long-term heat removal in  
the face of a malevolent act by the design basis threat  
against a plant. This is consistent with the approach used  
in other areas of plant design.

Template = SECY-067

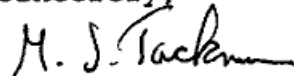
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Second, recent public discussions indicate diverse views on how radiological sabotage relates to the protection of public health and safety or to existing performance criteria in security programs. The term "radiological sabotage" needs to be clearly defined in the rule, precisely stating the sabotage-induced event sequences licensees are expected to protect against.

Duke Power Company is in agreement with comments on SECY-00-0063 submitted by the Nuclear Energy Institute (NEI) on behalf of industry members. Duke Power Company appreciates the opportunity to comment on these issues.

Sincerely,



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